



Ordinary Council Meeting Minutes

Date: 13 December 2006

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 13 DECEMBER 2006

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Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.4.3 Letter from Mr Murray

Item 11.5.1 Draft Tender Document

Item 11.6.1 Visitors Centre Concept Plan

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.32pm, welcomed visitors and announced:

"Acknowledgment of Country"

I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

2. DISCLAIMER READING

The Shire President read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

3. ATTENDANCE

| | | | | |
|----------------------------|---|---------------------------------|---|------------------|
| SA Bryan | - | Presiding Member | - | Moora Town Ward |
| CE Gardiner | - | Councillor | - | Moora Town Ward |
| JL Craven | - | Councillor | - | Moora Town Ward |
| Sj Pond | - | Councillor | - | Koojan Ward |
| AR Tonkin | - | Councillor | - | Coomberdale Ward |
| WA Barrett-Lennard | - | Councillor | - | Bindi Bindi Ward |
| JW McLagan (from 3.42pm) | - | Councillor | - | Miling Ward |
| CD Hawkins | - | Councillor | - | Moora Town Ward |
| D Clydesdale-Gebert | - | Councillor | - | Watheroo Ward |
| Sj Deckert | - | Chief Executive Officer | | |
| JE Ellis (from 3.35pm) | - | Financial Development Manager | | |
| JL Greay (until 5.12pm) | - | Operational Development Manager | | |
| MJ Prunster (from 3.40pm) | - | Community Development Manager | | |
| BR Williams (until 5.12pm) | - | Enterprise Development Manager | | |

PUBLIC

Mrs Julie Koeberle (until 5.10pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4. DECLARATIONS OF INTEREST

Cr Barrett-Lennard declared a conflict (impartiality) interest in Item 11.4.3 pursuant to clause 1.3 of Council's Code of Conduct as his daughter's partner is related to the applicant.

5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT

Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

At 3.35pm the Financial Development Manager joined the meeting.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Mrs Julie Koeberle addressed Council and presented a petition she had organised to the Shire President titled 'Dark Blue Zone Petition' which had been signed by 78 Moora residents. The petition stated;

At 3.40pm the Community Development Manager joined the meeting.

'We the undersigned object to the Moora Shire Council's decision of 2000 which has devalued our properties. We wish the Council to reverse the decision pertaining to the DARK BLUE ZONE flood mitigation recommendations of the Water and Rivers Commission.'

At 3.42pm Cr McLagan joined the meeting.

The Shire President accepted the petition from Mrs Koeberle.

The Shire President then allowed Mrs Koeberle to table a number of questions in relation to the Moora Townsite flood zones. The Shire President responded generally to the questions and gave an undertaking that staff will provide a written response in due course. The Shire President concluded by stating that Council has not discussed whether it will reconsider the decision made in 2000, however this does not mean that it won't in the future.

The Shire President thanked Mrs Koeberle for the petition and questions and invited her to stay for the remainder of the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Monday 4th December Cr Hawkins attended the CMSHS Awards Presentation Night on behalf of Council
- Also on Monday 4th I attended the Plantation Forestry Meeting in Moora
- Tuesday the 5th I attended the Moora Primary School Awards Presentation Night
- Wednesday 6th I attended the Miling Primary School Awards Presentation Night

- Also on Wednesday evening Cr Gardiner attended the St Joseph's Primary School Awards Presentation Night on behalf of Council
- Thursday 7th I attended the Watheroo Primary School Awards Presentation Night
- Tuesday 12th I attended a Moora Promotions Meeting
- Wednesday 13th the Mayor of Gayndah, in South East Queensland, Mr Bill Mellor visited with Cr Gardiner, the Chief Executive Officer, Enterprise Development Manager and myself to discuss similarities between the two Councils
- Also on Wednesday Council visited the 'Moora Citrus' development on Prices Road where Michael Brennan & Sue Middleton took them on a tour of the development
- This Friday the 15th is the official opening of the new Moora Hospital

As this is our last Council meeting of the year I would like to take this opportunity to wish everyone a safe and Merry Christmas.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 22 NOVEMBER 2006

COUNCIL RESOLUTION

252/06 Moved Cr Hawkins, seconded Cr Barrett-Lennard that the Minutes of the Ordinary Meeting of Council held on 22 November 2006, be confirmed as a true and correct record of the meeting.

CARRIED 9/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Chief Executive Officers Leave Arrangements

LOCATION: Administration
FILE: Personal File (Deckert)
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 5 December 2006
DECLARATION: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

BACKGROUND

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave, however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all other employees.

The Chief Executive Officer's leave is in essence approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations as well as the statutory requirements of the position during this period.

COMMENT

I would like to take leave, commencing on Monday 22 January 2007 and ending on Wednesday 14 February 2007. I will recommence duties on Thursday 15 February 2007.

This period of leave should have no detrimental impact on Council operations, however will coincide with the Ordinary Meetings of Council scheduled for 31 January and 14 February 2007.

In accordance with the principle of rotating the Acting Chief Executive Officers role between the Divisional Managers, I would like Council to endorse the appointment of Jo-Anne Ellis to the position, commencing from 22 January and concluding on 14 February 2007.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

Local Government Officers (WA) Award 1999.
Chief Executive Officer's Employment Contract.

POLICY IMPLICATIONS

There are no policies relevant to this matter.

BUDGET IMPLICATIONS

There are no financial implications to Council in respect to the leave as all leave entitlements are provided for with the Adopted Budget and there is no proposal to employ additional replacement staff.

STRATEGIC IMPLICATIONS

There are no specific strategic implications, however, the ability for other staff to gain experience in a more senior position is invaluable to their professional development.

PRECEDENT

The taking of leave by the CEO and appointment of an Acting CEO is an administrative function that is not setting any precedent.

VOTING REQUIREMENTS

Simple Majority decision required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS) – ITEM 11.1.1

253/06 Moved Cr Tonkin, seconded Cr Pond that Council:

- 1. Note and endorse the Chief Executive Officer's leave from 22 January 2007 to 14 February 2007; and*
- 2. Approve the appointment of Jo-Anne Ellis as Acting Chief Executive Officer for the period 22 January 2007 to 14 February 2007, in the absence of the Chief Executive Officer.*

CARRIED 9/0

11.1.2 CMVROC Constitutional Agreement – Endorsement

LOCATION: Central Midlands
FILE: GA/VRO1
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 7 December 2006
DECLARATION: The author has no financial interest in this matter.

BACKGROUND

The Shire of Moora has been an active participant in the formation of the Central Midlands Region of Councils (CMVROC) and has supported the ongoing operation of CMVROC through financial contributions.

At the most recent meeting of the CMVROC delegates, a draft constitution was considered and adopted. This constitution, which formalises the CMVROC, is now required to be considered by the individual member Councils for their endorsement.

A copy of the CMVROC Constitutional Agreement is enclosed with this agenda for Councillors information.

COMMENT

The ongoing support and involvement of the Shire of Moora in the CMVROC is paramount for the success of the regional council concept. The signing of the Constitutional Agreement is a demonstration of Council's commitment to the CMVROC. The agreement also details the purpose of the CMVROC and how it will operate during its existence.

If Council is agreeable to its continued involvement in the CMVROC and comfortable with the agreement, then Council will need to resolve to endorse the agreement and authorise Council's delegate on the CMVROC, Cr Pond to sign the agreement on behalf of Council.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

There are no policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

Council makes an annual financial commitment to the CMVROC of \$10,000 to meet operational expenses. Additional contributions for one-off projects are made as and when necessary. These contributions are provided for in Council's Adopted Budget.

STRATEGIC IMPLICATIONS

Being a member of a voluntary regional Council can be beneficial at a Shire level and regional level in achieving positive outcomes for the residents of the district due to the strength of a combined voice of five Councils.

PRECEDENT

Council is currently a member of the Avon-Midland Zone of WALGA.

VOTING REQUIREMENTS

Simple majority decision required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.1.2**

254/06 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council:

- 1. Endorses the Central Midlands Voluntary Region Organisation of Councils Constitutional Agreement as appended;*
- 2. Agrees to become a signatory to the Agreement, and*
- 3. Authorises Cr Jim Pond to sign the Agreement on behalf of the Shire of Moora*

CARRIED 9/0

11.2 FINANCIAL DEVELOPMENT**11.2.1 List of Payments Authorised Under Delegation 1.31**

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 8 December 2006
DECLARATION: Nil

BACKGROUND

At the December Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Payments have been made under this delegated authority and a listing of these payments is attached for Council to note and endorse.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

POLICY IMPLICATIONS

Delegation 1.31 – Payments from Municipal and Trust Funds.

BUDGET IMPLICATIONS

Payments are in accordance with the adopted budget.

STRATEGIC IMPLICATIONS

Nil.

PRECEDENT

Accounts Paid under delegated authority are periodically presented to Council.

VOTING REQUIREMENTS

Simple Majority.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.2.1**

255/06 Moved Cr Gardiner, seconded Cr Hawkins that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

| | | |
|-----------------------|------------------------------|----------------------------|
| <i>Municipal Fund</i> | <i>Chq 55421 -55609</i> | <i>\$704,127.79</i> |
| | <i>Direct Debit 158 -184</i> | <i>\$255,728.28</i> |
| Total | | <u>\$959,856.07</u> |

CARRIED 9/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: TP/PTM11
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 30 November 2006
DECLARATION: Nil

BACKGROUND

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 30 November 2006.

- *Miling Co-op Pty Ltd – Lot 9,100 Main Street, Miling – application for liquor licence - Zoning Special Rural. (Ref 24/0607)*

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.4.1**

256/06 Moved Cr McLagan, seconded Cr Craven that Council note the town planning applications approved under delegated authority.

CARRIED 9/0

11.4.2 Moora Districts Child Care Centre – Fee Amendments

LOCATION: Moora
FILE: CH/COR1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 23 November 2006
DECLARATION: Author has no interest in this item

BACKGROUND

The Moora Child Care Centre Director has made a request to Council for an amendment to the current Session times and fees for the Centre.

Child Care Centre attendance fees and session times are set during the Annual Budget process, and the current fees and session times included in the 2006-07 Budget are: -

| | |
|--|-------------------|
| Morning Session – 8.30am – 12.30pm (or part thereof) | \$23.00 per child |
| Afternoon Session – 12.30pm – 5.00pm (or part thereof) | \$26.00 per child |
| Full Day 8.30am – 5.00pm (or part thereof) | \$47.00 per child |

An additional request from the Director is that an amendment be made to the conditions for Permanent and Casual bookings as follows: -

- Permanent Bookings – All permanently booked days will be charged for, including any absent days; (ie. Sick days), to keep the child's permanent booking. Two weeks notice for cancellation of permanent bookings is required. Failure to give sufficient notice will attract the normal charge.
- Casual Bookings – Casual bookings can be made up to two weeks in advance. A minimum of 24 hours notice is required for cancellation of Casual bookings, which will allow other bookings to be made in this place. Cancellations of less than 24 hours will attract the normal charge.

It has been requested that the Session Times and fees be amended as follows: -

| | | |
|-------------------------------------|------------------|-------------------|
| Morning Session (or part thereof) | 8.30am – 12.45pm | \$25.00 per child |
| Afternoon Session (or part thereof) | 12.45pm – 5.00pm | \$25.00 per child |
| Full day session | 8.30am – 5.00pm | \$47.00 per child |

The amendments will increase the morning session fee by \$2.00 (additional 15 mins) whereby the afternoon session will decrease by \$1.00 (decrease of 15 mins). The full day rate will not change. The variation to the amended fees is not expected to create any hardship to the Centre's users.

COMMENT

The Centre caters for Permanent and Casual bookings. There has been an ongoing problem with the permanent and Casual bookings whereby parents are not advising the Centre of days their children will be absent until the last minute, and when this happens there is no payment for the booking and because of the late notice the opportunity does not exist to allow the vacancy to be taken up by a Casual attendee. The Centre is under constant demand for vacancies and because of the late notice from parents; the Centre suffers in a loss of income.

The expense of running the Centre is increasing due to Staff overheads and general running costs to maintain the Centre in accordance with the strict Child Care Regulations.

The Centre will close for the year on the 8 December and will reopen at the relocated building in Keane Street on the 5 February 2007. It is therefore recommended that the amended fees be implemented at the beginning of the 2007 year.

STATUTORY ENVIRONMENT

L.G.A. 1995 6.16 – 6.19 - Imposition of fees and charges.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Increase in attendance fee revenue for remainder of financial year. Public notice including the date of commencement required advising of amended fees.

STRATEGIC IMPLICATIONS

Increase in use of vacancies.

PRECEDENT

Fees and session times amended during Annual Budget Process.

VOTING REQUIREMENTS

Absolute majority

| |
|--|
| COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.2 |
|--|

257/06 Moved Cr Hawkins, seconded Cr Pond that Council adopt the following amendments to the fees and session times for the operation of the Moora Districts Child Care Centre commencing from the 5th February 2007: -

Bookings and Fees

Fees are charged on session times:

- | | | | |
|----------------------|-------------------|---------|---------|
| • Morning session: | 8.30am to 12.45pm | 4 ¼ hrs | \$25.00 |
| • Afternoon session: | 12.45pm to 5.00pm | 4 ¼ hrs | \$25.00 |
| • Full Day session: | 8.30am to 5.00pm | 8½hrs | \$47.00 |
- Please deliver and collect your child on time as a late penalty fee of \$1.00 per minute applies.

- Fees are payable on the day of usage, or the final day of usage each week. Where 3 weeks fees are not paid for the child's position may be cancelled.
- Parents who continually pay fees late will be requested to pay their fees one week in advance, if the advanced payment is not made then the child's booking will be cancelled.
- Families may elect to book a full-time, part-time or occasional place.
- It is the parent's responsibility to apply for their childcare benefit through the Family Assistance office.
- Full fees will be charged until the Centre Manager has been notified from Family Assistance Office of your childcare benefit %.

Full-time or part-time bookings

- Full Fees must be paid for including absences due to illness or holidays taken, with the exception of the following;
- If your child is sick for 2 or more consecutive days with a medical certificate 50% holding fee will be charged for the 2nd and consecutive days.
- A holding fee of 50% will be charged for absences due to holidays taken with 2 weeks notice for full-time and part-time bookings.
- Child Care Benefit is paid for 30 absences per financial year.
- Two weeks notice for cancellation of permanent bookings is required.

Occasional bookings

- Casual bookings can be made up to 4 weeks in advance.
- If cancelling casual bookings due to illness or other reasons a minimum of 24 hours is required, cancellations after this time will have to be paid for.

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr Barrett-Lennard declared a conflict (impartiality) interest in Item 11.4.3 pursuant to clause 1.3 of Council's Code of Conduct as his daughter's partner is related to the applicant.

At 4.25pm Cr Barrett-Lennard vacated the Council Chambers.

11.4.3 Planning Application Murray's Transport

LOCATION: Part 2 of Lot 226 Riley Road, Moora
ZONING: Special Rural with Additional Use
FILE: TP/PTMOI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 30 November 2006
DECLARATION: Author has no financial interest in this item

BACKGROUND

A Planning application has been received from Mr Richard Murray of Murray's Transport requesting Council approval to conduct his transport business and depot from Part 2 of Lot 226 Riley Road Moora. The Lot is currently owned by Messrs C.M. & J.T. Lewis who have been using the location as a Transport Depot for many years. Schedule 2 of the Shire of Moora Town Planning Scheme provides for the additional use for a transport depot on this Lot.

ADDITIONAL USES

| | |
|--|---|
| <p>Lot 2 of Lot 226 Riley Road/Keane Street, Moora</p> | <p>The additional use subject to planning approval being granted by the Council may be a concrete batching plant and/or a transport depot. After following the advertising provisions in clause 7.3 for an "SA" use the Council may approve a light industry.</p> |
|--|---|

Following the relocation of the concrete batching plant in 2004, concrete batching is no longer allowed on Lot 226. This is supported by the Environmental Protection Authority investigation carried out in 1993.

Mr Murray has made an offer to purchase the property, and would like Council to approve his application to enable him to carry out his business activities from the location.

Murray's Transport currently operates from two locations, 211 Riley Road and 217 McKinley Street. These locations are zoned Special Rural with no additional use. Mr Murray has been operating at these locations under a "non conforming use" condition.

COMMENT

Normally a change of ownership does not require the need for planning approval unless the additional use purpose has been discontinued for a period of 6 months, however because of the location of the Lots and its "Special Use" zoning, it is recommended that planning approval be granted under the conditions of Schedule 2 of the Scheme, excluding the concrete batching plant, to record that the necessary approval has been granted for the continuation of the transport depot use.

The Town Planning Scheme identifies the use as a “light industry” classification and under the scheme Council can make a decision whether to give notice of the proposed application as per the following section of the text: -

7.3 Advertising of Applications

7.3.1 Where an application is made for planning approval to commence or carry out development which involves an “SA” use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.

7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

Murray’s Transport are recognised as a “General Carrier” and involved in general road transport of goods from the City to local retail and commercial outlets in Moora. Approval of this planning application will allow for the continuation of the transport depot similar to what has been the situation over past years.

Mr Murray has indicated in writing (attached) that part of his business plan is to upgrade the fencing and outbuildings of the property to improve the appearance and aesthetics of the Lot.

STATUTORY ENVIRONMENT

Shire of Moora Town Planning Scheme text No 4.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Provision of a single location for transport operations.

PRECEDENT

Currently used as a transport depot.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.4.3**

258/06 Moved Cr Tonkin, seconded Cr Pond that Council

- 1) Note the proposed change of ownership to Murray's Transport with the intention of operating a General Carriers transport depot at part 2 of lot 226 Riley Road Moora.**
- 2) In respect to the application for planning approval, the application must first be advertised in accordance with clause 7.3.1 and 7.3.3. of the Shire of Moora Town Planning Scheme text No 4, which requires "notice of the proposed development to be published in a newspaper circulating in the Scheme Area & adjoining landowners advised stating that submissions may be made to the Council within twenty-one days from the publication thereof."**
- 3) Advise the applicant that when Council formally considers the application at the close of the expiration of the 21 days notice, the following conditions, as conditions of approval will be considered: -**
 - a) Approval is subject to the acquisition of Lot 2/226 Riley Road by Murray's Transport.**
 - b) The frontage of the land to Riley Road adjacent to the workshop to be fenced with neetascreen to Western boundary to a height of 1.8m including suitable vehicle crossings within a period of 6 months from date of purchase/lease.**
 - c) The workshop/shed is to be painted or re-clad within a period of 12 months from date of purchase.**
 - d) Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.**
 - e) Noise, dust & odour levels to be kept to a minimum to reduce impact of activities on neighbouring residents.**
 - f) Washing of stock crates is not permitted on the site.**
 - g) Unwashed stock crates are not to be stored on site.**
 - h) There is to be no parking of vehicles/trailers on property and/or Riley Road whilst loaded with stock.**
 - i) There is to be no disposal of manure waste on site.**
 - j) Subject to the payment of \$50 planning application fee.**

CARRIED 8/0

At 4.30pm Cr Barrett-Lennard entered the Chambers and rejoined the meeting.

11.4.4 Proposed Subdivision - R.R., B.W. & G.R. Manning

LOCATION: Lot 16 Ferguson St Moora
FILE: TP/PTMOI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 5 December 2006
DECLARATION: The author has no interest in this item.

BACKGROUND

Mr Ron Manning has produced a tentative plan for a proposed subdivision development at Lot 16 Ferguson Street Moora, and would like Council to consider the proposal and indicate their support in principle so he can make the necessary arrangements with a qualified planning consultant to draw up a modified plan to meet with W.A. Planning Commission and Shire of Moora Town Planning Scheme text conditions.

A map has been provided showing a preliminary plan for the subdivision showing some 13 lots of various sizes. A planning consultant will most likely amend this.

COMMENT

The Lot is bounded by Carrick Street (South) and Ferguson Street (West). The section of Carrick Street is now closed and the land included in the racecourse. Although the section of Ferguson Street is still a gazetted road, it has not been formed. The subdivision would require entry from Ferguson Street, and it would be the responsibility of the applicant to construct the unmade portion as part of the subdivision.

Should Council support the application in principle, the land would need to be amended to a zoning of "Special Rural" from the current zoning of "Farming". This would be attended to following receipt of an official planning application.

There is currently a shortage of land available of the proposed size that provides a larger area suitable for the rural lifestyle living. The proposed area for this development has only a small section of the land at the Southern end within the flood fringe area. The remainder of the property is free of the floodway or flood fringe. This would decrease the costs in housing sand pad development

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – S133

POLICY IMPLICATIONS

Policy Manual Section 7.6 – Rezoning
Town Planning Scheme No 4 – Section 3.11

BUDGET IMPLICATIONS

Nil cost to Council. Developer meets all subdivision development and rezoning costs.

STRATEGIC IMPLICATIONS

Provision of additional land suitable for rural residential development.

PRECEDENT

Previous subdivisions developed in Moora.

VOTING REQUIREMENTS

Simple majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.4.4**

259/06 Moved Cr Gardiner, seconded Cr Pond that Council advise Mr Manning that the proposal for the development of Lot 16 Ferguson Street Moora is supported in principle subject to:

- **Approval of the Subdivision plan by the W.A. Planning Commission.**
- **Zoning of Lot 16 to be amended to “Special Rural” at developers cost.**
- **Planning application to be lodged with Shire of Moora together with the final plan of the subdivision**
- **A Land Capability Assessment and Fire Management Plan will need to be produced.**
- **All conditions under the Shire of Moora’s Town planning scheme No 4 being met.**
- **All costs and fees associated with the development to be met by developer.**

CARRIED 9/0**11.4.5 Proposed Subdivision - P.D. Camplin**

LOCATION: Lot 99 Moora-Bindoon Road Moora
FILE: TP/PTMOI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 6 December 2006
DECLARATION: The author has no interest in this item

BACKGROUND

A request has been received from Mr Peter Camplin for Council to consider supporting in principle a subdivision of Lot 99 Moora-Bindoon Road Moora. The land is currently zoned “Special Rural” and the Shire of Moora Town Planning Scheme text No 4 currently restricts the size of these lots to a minimum of 2.0ha.

Mr Camplin submitted a previous planning application to Council in 2003 for subdivision of an adjoining lot 98 Brown Street. Council approved the application subject to certain conditions. The application was subsequently refused by the W.A. Planning Commission for reasons as per the copy of the letter provided for information to Council. Mr Camplin had a Land Capability Assessment prepared and provided a copy to the Shire, but did not pursue the matter any further.

A plan for the current proposed development to lot 99 has been provided to Council for information.

COMMENT

The zoning of the lots would require changing to “Special Residential” which allows lot sizes between 2000m² to 1ha.

The Shire Town Planning Scheme Text provides for the subdivision of “Special Rural Zoned land in schedule 4, and states: -

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| Land bounded by Bindoon-Moora Road, Stack / Long / Cooper / Halligan / Webb Streets, Moora | I The minimum lot size should be no less than 2.0 hectares for subdivision but any subdivision shall be subject to the following first being satisfied: |
| | (i) the preparation by the proponent of a land capability assessment to the satisfaction of the Council and the Commission; and |
| | (ii) the approval by the Council and the Commission of a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and |
| | (iii) arrangements to the satisfaction of the Council for drainage and on-site effluent disposal. |

Because of the proposed size of the lots, an amendment to “Special Residential” would need to be processed allow for the smaller lots to be provided. The zoning to “Special Residential” would allow lot sizes between 2000m² to 1 ha.

Mr Camplin has stated that he has had numerous calls from land buyers wanting to purchase land in his area.

Our Town Planning Consultant, Mr Gray has advised that should Council support the preliminary application in principle, Mr Camplin should be advised to discuss his plans with the Department of Planning and Infrastructure prior to the preparation of a formal subdivision plan an application to the W.A. Planning Commission.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – S133

POLICY IMPLICATIONS

Policy Manual Section 7.6 – Rezoning
Town Planning Scheme No 4 – Section 3.11

BUDGET IMPLICATIONS

Nil cost to Shire. Developer is responsible for all development and rezoning costs.

STRATEGIC IMPLICATIONS

Provision of additional land suitable for rural residential development.

PRECEDENT

Previous subdivisions developed in Moora

VOTING REQUIREMENTS

Simple majority

At 4.38pm Cr Clydesdale-Gebert left the meeting.

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| COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.5 |
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260/06 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council advise Mr Camplin that the preliminary proposal for the development of Lot 99 Moora-Bindoon Road Moora is supported in principle subject to:

- *Discussion with the Department of Planning and Infrastructure prior to submission of planning application to W.A. Planning Commission.*
- *Approval of the Subdivision plan by the W.A. Planning Commission.*
- *Zoning of Lot 99 to be amended to “Special Residential” at developers cost.*
- *Subdivision plans and application to be lodged with W.A. Planning Commission, Shire of Moora and other relevant agencies.*
- *All costs and fees associated with the development to be met by developer.*

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 Tender No 7/2006 - Review of Moora Flood Management Plan

LOCATION: Moora Townsite
FILE: LO/FLMI
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 5 December 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

At the day of the Council Meeting on 12 July 2006, Council received a presentation from the Department of Water that updated Council on the Departments view of the implementation of the Moora Flood Management Study recommendations.

Coming out of the presentation was an indication that the State and Federal Governments had funding, that if matched by Council, could be used to carryout a review of the Flood Management Plan (the blue zones). The review would be done using the latest technology that was not available in 1999 and produce a highly accurate plan that would clearly define the properties impacted by flooding. Subsequently, Council incorporated \$15,000 into the 2006/07 Budget as Councils contribution to this project.

Mr Rick Bretnall and Mr Peter Muirden from the Department of Water have been liaising with the CEO to develop a consultant brief for the proposed review. This was substantially completed some time ago. However, during this process, it became apparent that the project cost was going to exceed \$50,000, thereby invoking the requirement to call

tenders. It should be noted that Council's commitment will remain at \$15,000 with the Department of Water meeting the additional costs. This has resulted in a delay through the need to prepare tender documentation.

With the assistance of WALGA, the tender documentation is now ready for Council's endorsement and resolution to call tenders. Council also needs to set the tender assessment criteria and determine who will assess the tenders for final recommendation to Council.

COMMENT

The draft tender document is enclosed with this agenda for Council's consideration. The tender document has been developed based on the WALGA's tender proforma and incorporating the Consultant's Brief as developed by the Department of Water.

The tender assessment panel as determined by Council will be required to assess the tenders received against the tender assessment criteria and then recommend to Council, the most advantageous tender.

It is proposed to call tenders as soon as practicable so that a tenderer can be selected and the review process completed this financial year.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

S3.57 of the Local Government Act 1995, requires a local government to call tenders for the provision of goods and services where the value is likely to exceed \$50,000 and Part 4 of the Local Government (Functions and General) Regulations 1996 provides the detail that Council must comply with when tendering.

POLICY IMPLICATIONS

There are no policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

There are no budget or financial implications in respect to the recommendation of this report. Council has provided \$15,000 in the 2006/07 Budget, which will be the maximum contribution required, based on the estimates of the Department of Water.

STRATEGIC IMPLICATIONS

The future of the Moora Townsite is largely impacted by the likelihood of further flooding. Any initiatives that can be undertaken to mitigate the possible effect of flooding need to be identified and pursued. The development of a plan that clearly defines the flood prone areas is the first step towards understanding the extent of mitigation works required that improve the safety of people and property and also provides a defensible tool in assessing future development proposals.

PRECEDENT

The 2000 Moora Flood Management Study includes a flood management plan that defines floodways and flood fringe areas based on limited data and technology of the day. The updating of this plan based on the 1999 flood events is therefore refining the precedent already established.

VOTING REQUIREMENTS

Simple majority decision required

At 4.42pm Cr Clydesdale-Gebert rejoined the meeting.

MANEX RECOMMENDATIONS – ITEM 11.5.1

That Council:

1. *Endorse the Request for Tender document titled “Provision of a Consultant to Review Moora’s Floodplain Management Study” an numbered 7/2006 as tabled at this meeting for the purpose of calling tenders*
2. *Authorises the CEO to commence the advertising and tender process as soon as practicable*
3. *Establishes a tender assessment panel comprising two Council representatives, being Cr _____ and the CEO and two representatives to be nominated by the Department of Water, to assess the tenders received and recommend to Council the most advantageous tender received*
4. *Determines that the tender assessment criteria on which the tenders received will be assessed are:*

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| <p>A) Strategic and technical flood management expertise Respondents should provide as a minimum information of proposed personnel to be allocated to this project, such as;</p> <ol style="list-style-type: none"> (a) Qualifications, with emphasis on experience in projects of similar work, particularly within the Local Government sector. Details of membership of professional or business associations should be included. (b) When outlining experience with relevant projects provide details of your role in the performance of the Contract (scope of your involvement) including detail of outcomes. Details of issues that arose and how there were managed should also be addressed. (c) Demonstrate competency and proven track record of achieving set outcomes (d) Curriculum Vitae of Key Personnel | <p>Weighting 50%</p> <p>‘Management Expertise’</p> |
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| <p>B) Methodology Tenderers should detail the process they intend to use to achieve the Requirements of the Specification by the specified completion date. Areas that you may wish to cover include:</p> <ol style="list-style-type: none"> (a) A project schedule/timeline (where applicable); and (b) The process for the delivery of the goods/services; (c) Demonstrated understanding of the scope of work. (d) Outline of Reporting Methodology | <p>Weighting 40%</p> <p>‘Methodology’</p> |
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| <p>C) Contingency and back up capacity Describe your ability to draw on additional resources in the event that commitments cannot be met, including contingency plans. What contingency measures or back up of resources including personnel (where applicable) have you applied to this tender?</p> | Weighting 10% |
| | Contingency |
| <p>D) Price Considerations Prices tendered will be evaluated separately from qualitative factors, the tender being awarded on the basis of the most competence/capability/experience against the prices tendered to determine the most advantageous offer.</p> | Not Weighted |
| | Price |

COUNCIL RESOLUTION – ITEM 11.5.1

261/06 Moved Cr Tonkin, seconded Cr Pond that Council:

- 1. Endorse the Request for Tender document titled “Provision of a Consultant to Review Moora’s Floodplain Definition Study” an numbered 7/2006 as tabled at this meeting for the purpose of calling tenders.**
- 2. Authorises the CEO to commence the advertising and tender process as soon as practicable.**
- 3. Establishes a tender assessment panel comprising two Council representatives, being Cr Pond and the CEO and two representatives to be nominated by the Department of Water, to assess the tenders received and recommend to Council the most advantageous tender received.**
- 4. Determines that the tender assessment criteria on which the tenders received will be assessed are:**

| | |
|--|-------------------------------|
| <p>A) Strategic and technical flood management expertise Respondents should provide as a minimum information of proposed personnel to be allocated to this project, such as;</p> <p>(a) Qualifications, with emphasis on experience in projects of similar work, particularly within the Local Government sector. Details of membership of professional or business associations should be included.</p> <p>(b) When outlining experience with relevant projects provide details of your role in the performance of the Contract (scope of your involvement) including detail of outcomes. Details of issues that arose and how there were managed should also be addressed.</p> <p>(c) Demonstrate competency and proven track record of achieving set outcomes</p> <p>(d) Curriculum Vitae of Key Personnel</p> | Weighting 50% |
| | ‘Management Expertise’ |

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| <p>B) Methodology Tenderers should detail the process they intend to use to achieve the Requirements of the Specification by the specified completion date. Areas that you may wish to cover include:</p> <p>(a) A project schedule/timeline (where applicable); and (b) The process for the delivery of the goods/services; (c) Demonstrated understanding of the scope of work. (d) Outline of Reporting Methodology</p> | <p>Weighting 40%</p> <hr/> <p>'Methodology'</p> |
| <p>C) Contingency and back up capacity Describe your ability to draw on additional resources in the event that commitments cannot be met, including contingency plans. What contingency measures or back up of resources including personnel (where applicable) have you applied to this tender?</p> | <p>Weighting 10%</p> <hr/> <p>Contingency</p> |
| <p>D) Price Considerations Prices tendered will be evaluated separately from qualitative factors, the tender being awarded on the basis of the most competence/capability/experience against the prices tendered to determine the most advantageous offer.</p> | <p>Not Weighted</p> <hr/> <p>Price</p> |

CARRIED 9/0

Note: Council believed the title of tender document referred to in point I should be amended by changing the word "Management" to "Definition" in order to avoid confusing the plan defining the floodway and flood fringe with the more extensive Flood Management Study conducted in 2000.

11.6 ECONOMIC DEVELOPMENT

11.6.1 Visitors Centre Concept Plan

LOCATION: Moora
FILE: ED/TOD I
AUTHOR: Bronwyn Williams, Enterprise Development Manager
REPORT DATE: 7 December 2006
DECLARATION: Nil

BACKGROUND

The provision of visitor servicing has been many and varied over the years, the current situation for delivering visitor information to the tourist market is through various businesses within Moora, including the bakery, telecentre and service station.

These services are suitable during business hours when these businesses are open however tourists visit this area on weekends and after 5pm or before 8am.

The Shire of Moora passed at the Ordinary Council Meeting on 22nd November 2006

248/06 Moved Cr Pond, seconded Cr Hawkins***“That Council:***

- 1. Approve the appointment of Mr Ian Menzies to undertake a tourism and community development plan at a cost to Council of no more than \$7,500 and***
- 2. Allow Mr Ian Menzies access to a powered site in the Moora Caravan Park free of charge when he is working in Moora.”***

CARRIED 9/0

Since this was passed at Council a concept plan for the development of the “Moora Community Cultural & Heritage Resource Centre” that was designed in June 2000 by the then Enterprise Development Manager, Mr Kim Antonio has been located.

COMMENT

It is ideal timing for this Concept plan to come to light as it fits in with the development of the tourism plan for the Shire of Moora. The presentation of this concept plan is for Council to be aware of the plan and endorse it as still relevant to the Shire of Moora.

It is possible that we may take the attached plan and add to it the Council Administration Building instead of investing in a brand new building; this will alleviate funding such as collocation funding and possibly regional partnerships funding.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

In the Shire of Moora’s Strategic Plan under the Key Result Area of Growth it outlines in Strategy Five to “Market the Moora Region”. The development of tourism in the Shire of Moora will directly achieve this strategy.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATIONS – ITEM 11.6.1***That Council:***

- 1. Endorse the concept plan as a guide to the development of a designated visitor’s centre and pass on to Ian Menzies as part of the Tourism Plan for the Shire of Moora and***
- 2. Engage a planner to design the new Shire of Moora Administration Building in the same complex as an extension to the existing concept plans.***

COUNCIL RESOLUTION – ITEM 11.6.1

262/06 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council:

- 1. Endorse the concept plan as a guide to the development of a designated visitor's centre and pass on to Ian Menzies as part of the Tourism Plan for the Shire of Moora and**
- 2. Obtain quotes for a planner to design the new Shire of Moora Administration Building in the same complex as an extension to the existing concept plans.**

CARRIED 8/1

Note: Point 2 of the Officer recommendation was amended, as Council wanted some idea of costings before any commitment could be made.

11.7 SPORT AND RECREATION

Nil

12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**Proposal to Award Title of Honorary Freeman of the Shire of Moora**

At the previous Council meeting Cr McLagan proposed a motion to Award the Title of Honorary Freeman of the Shire of Moora to a Moora Shire resident. As this item is of a confidential nature it will be considered behind closed doors later in the meeting.

13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Chief Executive Officer tabled two late items dealing with:

1. Audit Committee Meeting held 13 December 2006, and
2. Lot 50 Great Northern Highway Bindi- Bindi – Recreation Ground

for Council's consideration.

COUNCIL RESOLUTION

263/06 Moved Cr Gardiner, seconded Cr Hawkins that Council consider the two late items as tabled by the CEO titled "Audit Committee Meeting held 13 December 2006" and "Lot 50 Great Northern Highway Bindi Bindi – Recreation Ground".

CARRIED 8/0

13.1 Audit Committee Meeting held 13 December 2006

LOCATION: Moora
AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 13 December 2006

DECLARATION

The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council's Code of Conduct arising from the author's responsibilities in regard to preparation of the information to be audited. The author declares that he will put aside the interest and consider the matter without bias.

BACKGROUND

In accordance with the Local Government Act and Audit Regulations, Council has appointed a committee to handle the legislative requirements in respect to audits.

The Audit Committee has held a meeting on 13 December 2006, prior to the Ordinary Meeting of Council.

The minutes of the Audit Committee Meeting are now presented to Council so that Council can consider the recommendations contained within the minutes for adoption.

COMMENT

The Audit Committee, while appointed by Council to fulfil its statutory obligations in respect to audits, has no delegated authority. Therefore the Committee cannot make decisions on behalf of Council, but instead makes recommendations for Council's consideration. In considering the recommendations of the Committee, Council may adopt the recommendations as decisions of Council either with or without amendment or may reject the recommendations.

The minutes of the Audit Committee Meeting held on 13 December 2006 contain the following recommendations for Council's consideration:

- a) *That it be recommended to Council to note and accept the Financial Report for the year ended 30th June 2006.*
- b) *That it be recommended to Council to note and receive the Independent Audit Report for the year ended 30th June 2006.*
- c) *That it be recommended to Council that the status of the Community Development Reserve Fund Share Portfolio be reviewed at the January 2007 Council Meeting.*
- d) *That it be recommended to Council that a draft Investment Policy be presented to the March 2007 Council Meeting.*
- e) *That it be recommended to Council to note and receive the Management Report for the year ended 30th June 2006.*

The background and detail supporting these recommendations can be found in the Agenda and Minutes of the Audit Committee Meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995 (as amended)
Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

There is no current policy or future policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Meeting statutory compliance and obtaining an independent audit of Council's books of account assists the Shire in achieving its strategic goals.

PRECEDENT

The adoption of the recommendation of this report does not establish a precedent.

VOTING REQUIREMENTS

Simple majority

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS) – ITEM 13.1**

264/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Council:

- 1. Receives the minutes of the Shire of Moora Audit Committee Meeting held on 13 December 2006, as appended;**
- 2. Adopts the recommendations contained within the minutes of the Audit Committee Meeting held on 13 December 2006 as decisions of Council, namely:**
 - a) That Council notes and accepts the Financial Report for the year ended 30th June 2006.**
 - b) That Council to notes and receives the Independent Audit Report for the year ended 30th June 2006.**
 - c) That the status of the Community Development Reserve Fund Share Portfolio be reviewed at the January 2007 Council Meeting.**
 - d) That a draft Investment Policy be presented to the March 2007 Council Meeting.**
 - e) That Council to notes and receives the Management Report for the year ended 30th June 2006.**

CARRIED 9/0

13.2 Lot 50 Great Northern Highway Bindi Bindi – Recreation Ground

LOCATION: Bindi Bindi
FILE: P/RES1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 12 December 2006
DECLARATION: Author has no financial interest in this item.

BACKGROUND

An expression of interest to purchase the above property was referred to Council at the meeting held on the 25 October 2006. Council were informed that the Shire has had control of this site since 1940. Over the years it has been used as a recreation sports ground for football, cricket and tennis for the residents of Bindi Bindi. The area of the lot is approximately 5ha (12a 1r 3lp). The ground has not been used for sporting purposes for several years, and currently the old toilet block, tennis courts and lighting still remain on the site. The present condition of the infrastructure is in poor condition.

Council passed the following resolutions at that meeting: -

**COUNCIL RESOLUTION (25th October 2006)
(OFFICER RECOMMENDATION) – ITEM 13.1**

221/06 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council agree in principle to the sale of Lot 50 Great Northern Highway previously used as the Bindi Bindi Recreation Ground, however seek the advice and comments from the Bindi Bindi Progress Association before progressing this matter any further.

CARRIED BY ABSOLUTE MAJORITY 8/0

The Bindi Bindi Progress Association have replied to Council's request in a letter of the 1 December. They have advised that they have no objection to the sale of the property "subject to limited clearing use and accordance with current zoning and development subject to Shire approval". (A copy of their letter is provided for information).

The applicants, Messrs A. & J. Taylor of Bindi Bindi have now made an offer to purchase the land and existing infrastructure for \$5,000.

The applicants have also made a preliminary enquiry requesting Council support for an application to operate their small transport business from the property. Future plans also include the construction of a residence on the property for their occupation.

COMMENT

Because of the limited time available following receipt of the offer to purchase, a market appraisal has not been obtained from a Licensed Valuer. The Valuer Generals Office advise they do not have a valuation recorded on the property, because it has never been rated. They will provide a valuation but at the present time it would take a few weeks to arrange due to the current workload of the officer involved. It is recommended that Council accept the offer subject to a current market value appraisal being obtained. Following the receipt of a market appraisal, the Chief Executive Officer would need to be delegated to compare the offer and market valuation, and if satisfied that it would be satisfactory to Council's interest he then be authorised to proceed with arrangements for the sale under Section 3.58 (3) & (4) of the Local Government Act which allows the sale of property under private treaty subject to Council giving local public notice of the proposed disposition as follows: -

- By private treaty if it gives local public notice of the proposed disposition by: -
 - i. Describing the property concerned
 - ii. Giving details of the proposed disposition; and
 - iii. Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 - iv. The names of all other parties concerned
 - v. The consideration to be received by the local government for the disposition and
 - vi. The market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Following the expiration of the public notice period, Council is to consider any submissions made, if there are no submissions/comments received, It is recommended that Council agree to sell the property to Mr & Mrs Taylor, but the acceptance of their offer of \$5,000 will be subject to a market appraisal valuation being obtained from a licenses valuer. It is recommended that the Chief Executive Officer be delegated to progress the sale giving consideration to the sale price being to Council's satisfaction.

The location of the recreation is on the corner of Great Northern Highway and the Toodyay-Bindi Road. The current zoning of the lot is "farming". Under the Shire of Moora Town Planning Scheme text No 4, the operation of a transport depot in this zoning is listed under an "SA" table. Under this table, it means "*that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 7.3*": -

7.3 Advertising of Applications

- 7.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.
- 7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
 - b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
 - c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.
- 7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

It is also recommended that Council approve an application for the operation of a transport depot in principle, subject to: -

- An official planning application being received from applicants.
- Payment of the application fee of \$150.00 with the application.
- Subject to the advertising requirements under section 7.3 of the Town Planning Scheme text No 4.

STATUTORY ENVIRONMENT

L.G.A. 1995 – S3.58

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Unbudgeted income from proceeds of sale of the land, and ongoing rate income from the new development.

STRATEGIC IMPLICATIONS

Council is currently responsible for maintaining the property buildings, and with the facility no longer being used, sale of the property is thought to be in the best interest of Council, and creates a location for a residential/business development.

PRECEDENT

Council has previously disposed of Council owned property.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS) – ITEM 13.2

265/06 *Moved Cr Barrett-Lennard, seconded Cr McLagan that Council accept the offer in principle from Messrs A. & J. Taylor to purchase Lot 50 Great Northern Highway Bindi Bindi, formerly known as the Bindi Bindi Recreation Ground, subject to:*

- *A market appraisal valuation being obtained by Council from a Licensed Valuer.*
- *Delegate the Chief Executive Officer to give consideration to the Market Appraisal valuation and the offer from the Messrs A. & J. Taylor and negotiate the sale of the property to the satisfaction of Council's requirements.*
- *Following an agreement on the purchase price, the proposed sale is to be advertised publicly for a period of 14 days inviting submissions or comment.*
- *Should there be no submissions/comments received for Council consideration after the expiration of the 14 day advertising period, Council delegates the Chief Executive Officer to proceed with the sale process.*

AND

In reference to the planning application enquiry, It is recommended that Council support the enquiry for the operation of a Transport Depot at Lot 50 Great Northern Highway Bindi Bindi in principle, subject to: -

- *A planning application is to be lodged with the Shire for the proposed transport development.*
- *An application fee of \$150.00 to be paid with the application fee.*
- *Should the application meet the requirements of the Town Planning Scheme, public notice is to be given for a period of 21 days inviting submissions/comments.*
- *Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot, with the inclusion of the Progress Association request to minimise the clearing of the native plants.*

CARRIED 9/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

At 5.10pm Mrs Julie Koeberle retired from the meeting.

15. MATTERS BEHIND CLOSED DOORS

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| RECOMMENDATION |
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266/06 Moved Cr Barrett-Lennard, seconded Cr Craven that the meeting move behind closed doors to discuss Item 15.1, 'Proposal to Award Title of Honorary Freeman of the Shire of Moora' because it is a matter dealing with the personal affairs of a person pursuant to Section 5.23(2)(b) of the Local Government Act 1995.

CARRIED 9/0

At 5.12pm the Operational Development Manager and Enterprise Development Manager retired from the meeting and the meeting moved behind closed doors.

15.1 Proposal to Award Title of Honorary Freeman of the Shire of Moora

Provided to Councillors under confidential cover.

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| COUNCIL RESOLUTION (Cr McLagan's RECOMMENDATION) – ITEM 15.1 |
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267/06 Moved Cr McLagan, seconded Cr Hawkins that Council recognises the distinguished local government career of Mr Desmond John Seymour and acknowledges the long history of his community service and dedication to the Shire and Miling Ward residents. In honour of his achievements, Council bestows the honorary title of "Freeman of the Shire of Moora" upon Mr Desmond John Seymour, which will be formally presented to him at a future Council function.

CARRIED UNANIMOUSLY 9/0

COUNCIL RESOLUTION

268/06 Moved Cr Hawkins, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 9/0

The meeting reopened to the public at 5.30pm.

On reopening the meeting to the public, there were no public present therefore the decisions made behind closed doors were not read aloud.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.31pm.

CONFIRMED

PRESIDING MEMBER